

### **REMARKS/ARGUMENTS**

Claims 1-56 are pending in the instant application. Applicant has cancelled claims 1-8, 11-15, 27-34, 37-41 and 56 without prejudice. Applicant fully reserves the right to prosecute the subject matter of cancelled claims 1-8, 11-15, 27-34, 37-41 and 56 in one or more related applications. New claims 57-79 have been added. Claims 9, 10, 16-23, 35-36, 42-43 and 52-55 have been amended to clarify the invention.

Specifically, claim 9 has been rewritten in independent form to incorporate all the limitations of base claim 1, and claims 10, 18-19 and 54 have been amended to depend on claim 9 instead of cancelled claim 1.

Claim 16 has been rewritten in independent form to incorporate all the limitations of base claim 11, and claims 17, 20-22 and 55 have been amended to depend on claim 16 instead of cancelled claim 11,

Claim 35 has been rewritten in independent form to incorporate all the limitations of base claim 27, and claim 36 has been amended to depend on claim 35 instead of cancelled claim 27.

Claim 42 has been rewritten in independent form to incorporate all the limitations of base claim 37, and claim 43 has been amended to depend on claim 42 instead of cancelled claim 37.

Claims 23 and 52 have been rewritten in independent form to incorporate all the limitations of both claims 9 and 16.

Claim 53 has been amended to recite that the second container is a syringe. Support for amended claim 53 can be found in the specification at, *inter alia*, page 40, lines 24-25.

New claims 57 and 58 specify that the recited ingredients in the composition of claim 9 are in amounts together effective to treat chronic HCV infection. New claims 59 and 60 specify that the recited ingredients in the composition of claim 16 are in amounts together effective to treat chronic HCV infection. New claims 61-75 specify that the methods of claims 18, 19, 20, 21, 22, 23, 24, 25, 26, 35, 36, 42, 43, 44 and 45, respectively, are for treating chronic HCV infection. New claims 76 and 77 specify that the recited ingredients in the first and second compositions of the kits of claims 52 and 53, respectively, are in amounts together effective to treat chronic HCV infection. New claims 78 and 79 specify that the recited ingredients in the compositions of the kits of claims 54 and 55, respectively, are in

amounts together effective to threat chronic HCV infection. No new matter has been added by the amendments.

Applicants respectfully request that the amendment and remarks made herein be entered into the record of the instant application. Upon entry of the amendments, claims 9-10, 16-26, 35-36, 42-55 and 57-79 will be pending in the instant application.

**I. THE CLAIM REJECTIONS UNDER 35 U.S.C. § 103 SHOULD BE WITHDRAWN**

Claims 1-8, 10-15, 17-34, 36-41, 43-44 and 52-56 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the admitted state of art. Specifically, the Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine various combinations of the instantly claimed ingredients for their known benefit since each is well known in the art for the same purpose.

While Applicant does not agree and in no way acquiesces with this rejection, solely to expedite prosecution, Applicant has cancelled claims 1-8, 11-15, 27-34, 37-41 and 56. As such, the rejection is rendered moot with respect to these claims.

The remaining rejected claims 10, 17-26, 36, 43-44 and 52-55 have been amended to depend from or to recite the relevant limitations of the claims that were not rejected as being unpatentable over the admitted state of art. Specifically, Applicant has amended claims 10, 18-19 and 54 to depend on claim 9. Applicant has also amended claims 17, 20-22 and 55 to depend on claim 16. In addition, Applicant has amended claim 36 to depend on claim 35. Moreover, Applicant has amended claims 43-44 to depend, directly or indirectly, on claim 42. Finally, Applicant has amended claims 23-26 and 52-53 to incorporate the ranges for the substances in the compositions as found in both claims 9 and 16. As amended, claims 10, 17-26, 36, 43-44 and 52-55 incorporate the relevant limitations of non-rejected claims 9, 16, 35 and/or 42, either by recitation or via claim dependency. As such, claims 10, 17-26, 36, 43-44 and 52-55 are also patentable over the admitted state of art and the rejection should be withdrawn with respect to these claims.

New claims 57-79 also depend on non-rejected claims and/or claims that depend on non-rejected claims. As such, new claims 57-79 are also patentable over the admitted state of art.

**II. THE CLAIM OBJECTIONS SHOULD BE WITHDRAWN**


Claims 9, 16, 35 and 42 are objected to as being dependent upon a rejected base claim. As suggested by the Examiner, Applicant has rewritten claims 9, 16, 35 and 42 in independent form to incorporate all the limitations of the base claim and any intervening claim. As such, the claim objections are obviated and should be withdrawn.

**CONCLUSION**

As all rejections are believed to be overcome, all claims are believed to be in condition for allowance. An early notice to that effect would be appreciated. Should the Examiner not agree with Applicant's position, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the allowance of the application.

Respectfully submitted,

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